

# ORIGINAL

(S E R V E D)  
( July 22, 1999 )  
(FEDERAL MARITIME COMMISSION)

## FEDERAL MARITIME COMMISSION

46 CFR Part 530

Docket No. 99-12

### TERMINATION OF DIAL-UP SERVICE CONTRACT FILING SYSTEM

**AGENCY:** Federal Maritime Commission.

**ACTION:** Final rule.

**SUMMARY:** This final rule implements the Federal Maritime Commission's full transition to the internet-based service contract filing system and removes all references to the dial-up filing system.

**DATES:** Effective date October 1, 1999.

#### FOR FURTHER INFORMATION CONTACT:

Austin L. Schmitt  
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Bureau of Tariffs, Certification and Licensing  
Federal Maritime Commission  
800 North Capitol Street, N.W.  
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800 North Capitol Street, N.W.  
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#### SUPPLEMENTARY INFORMATION:

In Docket No. 98-30, Service Contracts Subject to the Shipping

Act of 1984, the Federal Maritime Commission ("FMC" or "Commission") implemented new rules governing the filing of service contracts to reflect changes made to the Shipping Act of 1984, 46 U.S.C. app. § 1701 et seq., by the Ocean Shipping Reform Act of 1998, Pub. L. 105-258, 112 Stat. 1902. In that rulemaking, the Commission adopted an internet-based service contract filing system effective May 1, 1999. The Commission also retained its dial-up system for service contract filing for a limited time to allow for a smooth transition to the internet-based system.

In the interim final rule in Docket No. 98-30, effective March 1, 1999, and published in the Federal Register March 8, 1999, the Commission stated:

Interactive internet filing of service contracts with the Commission will be provided, and while the dial-up system will be available, the Commission expects to phase it out as soon as possible, but certainly no later than the end of Fiscal Year 1999.

64 Fed. Reg. 11186, 11195. Accordingly, the purpose of this final rule is to implement the anticipated requirement that all service contracts be filed through the Commission's internet-based service contract filing system no later than October 1, 1999. The dial-up system will be shut down and no service contract filings will be accepted in the dial-up system after September 30, 1999. Users who currently use the dial-up system for filing service contracts must, on a timely basis, submit an amendment to their Form FMC-83 (Registration) to obtain the new log-on IDs and passwords necessary

to file in the internet system.

Notice and an opportunity for public comment are not necessary prior to the issuance of this final rule inasmuch as both were provided previously in the course of the rulemaking for Docket No. 98-30. See Notice of Proposed Rulemaking, 63 Fed. Reg. 71062 (December 23, 1998); Interim Final Rule, 64 Fed. Reg. 11186 (March 8, 1999); and Final Rule, 64 Fed. Reg. 23782 (May 4, 1999).

In accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., the Chairman of the Federal Maritime Commission has certified to the Chief Counsel for Advocacy, Small Business Administration, that the rule will not have a significant impact on a substantial number of small entities. The affected universe of the parties is limited to vessel-operating common carriers. The Commission has determined that these entities do not come under the programs and policies mandated by the Small Business Regulatory Enforcement Fairness Act as they typically exceed the threshold figures for number of employees and/or annual receipts to qualify as a small entity under Small Business Administration guidelines.

This regulatory action is not a "major rule" under 5 U.S.C. § 804(2).

List of subjects for 46 CFR part 530

Freight, Maritime carriers, Reporting and recordkeeping requirements.

Accordingly, the FMC amends 46 CFR part 530 as follows:

PART 530 -- SERVICE CONTRACTS

1. The authority citation for part 530 continues to read as follows:

Authority: 5 U.S.C. App. 1704, 1705, 1707, 1716.

2. Amend § 530.3 to revise paragraph (k) as follows:

§ 530.3 Definitions.

\* \* \* \* \*

(k) File or filing (of service contracts or amendments thereto) means the use of the Commission's electronic filing system for receipt of a service contract or an amendment thereto by the Commission, consistent with the method set forth in Appendix A of this part, and the recording of its receipt by the Commission.

\* \* \* \* \*

3. Amend § 530.5 to revise paragraph (c)(1) and remove paragraphs (c)(3), (c)(4) and (c)(5) to read as follows:

§ 530.5 Duty to file.

\* \* \* \* \*

(c) Registration. (1) Application. Authority to file or delegate the authority to file must be requested by a responsible official of the service contract carrier in writing by submitting to BTCL the Registration Form (FMC-83) in Exhibit 1 to this part.

(2) \* \* \*

4. Amend § 530.8 to revise paragraphs (a) and (c) to read as follows:

§ 530.8 Service contracts.

(a) Authorized persons shall file with BTCL, in the manner set forth in Appendix A of this part, a true and complete copy of every service contract or amendment to a filed service contract before any cargo moves pursuant to that service contract or amendment.

(b) \* \* \*

(c) Certainty of terms. The terms described in paragraph (b) of this section may not:

(1) Be uncertain, vague or ambiguous; or

(2) Make reference to terms not explicitly contained in the service contract itself unless those terms are contained in a publication widely available to the public and well known within the industry.

\* \* \* \* \*

5. Remove and reserve § 530.11.

§ 530.11 [Removed and Reserved]

6. Revise Appendix A to Part 530 to read as follows:

Appendix A to Part 530 -- Instructions for the Filing of Service Contracts

Service contracts shall be filed in accordance with the instructions found on the Commission's home page,

<http://www.fmc.gov>.

A. Registration, Log-on ID and Password

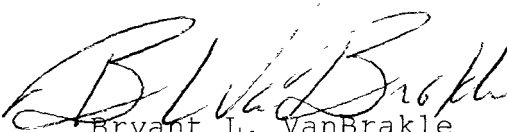
To register for filing, a carrier, conference, agreement or publisher must submit the Service Contract Registration Form (Form FMC-83) to BTCL. A separate Service Contract Registration Form is required for each individual that will file service contracts. BTCL will direct OIRM to provide approved filers with a log-on ID and password. Filers who wish a third party (publisher) to file their service contracts must so indicate on Form FMC-83. Authority for organizational filing can be transferred by submitting an amended registration form requesting the assignment of a new log-on ID and password. The original log-on ID will be canceled when a replacement log-on ID is Issued. Log-on IDs and passwords may not be shared with, loaned to or used by any individual other than the individual registrant. The Commission reserves the right to disable any log-on ID that is shared with, loaned to or used by parties other than the registrant.

B. Filing

After receiving a log-on ID and a password, a filer may log-on to the service contract filing area on the Commission's home page and file service contracts. The filing screen will request such information as: filer name, Registered Persons Index ("RPI") number and carrier RPI number (if different); Service Contract and amendment number; and effective date. The filer will attach the

entire service contract file and submit it into the system. When the service contract has been submitted for filing, the system will assign a filing date and an FMC control number, both of which will be included in the acknowledgment/confirmation message.

By the Commission.



Bryant L. VanBrakle  
Secretary

**Correction to Final Rule**

Accordingly, pursuant to the authority delegated to me, the Show Low airport header is removed and the geographic coordinates for the Taylor Municipal Airport for the Class E airspace area at Taylor, AZ, as published in the **Federal Register on June 21, 1999 (64 FR 33014)**, (**Federal Register Document 99-15592**), are corrected as follows:

**71.1 [Corrected]**

\* \* \* \* \*

**AWP AZ E5 Taylor, AZ [Corrected]**

On page 33015, column 2, line 1, the Taylor Municipal Airport, AZ, airspace area, correct (lat. 34°27'17" N, Long. 110°06'89" W), to read (lat 34°27'10" N, long. 110°06'53" W).

\* \* \* \* \*

Issued in Los Angeles, California, on July 19, 1999.

John Clancy,

Manager, Air Traffic Division Western-Pacific Region.

[FR Doc. 99-19370 Filed 7-28-99; 8:45 am]

**BILLING CODE** 1910-13-M

**DEPARTMENT OF THE TREASURY****Financial Crimes Enforcement Network****31 CFR Part 103****Extension of Grant of Conditional Exception**

**AGENCY:** Financial Crimes Enforcement Network, Treasury.

**ACTION:** Extension of a Grant of Conditional Exception.

**SUMMARY:** The Financial Crimes Enforcement Network ("FinCEN") extends for two years a conditional exception to a provision of the Bank Secrecy Act. The exception, which would otherwise expire on May 31, 1999, permits financial institutions to comply more efficiently with requirements for inclusion of certain information in orders for transmissions of funds.

**EFFECTIVE DATE:** June 1, 1999.

**FOR FURTHER INFORMATION CONTACT:**

Peter Djinis, Associate Director, FinCEN, (703) 905-3930; Charles Klingman, Financial Institutions Policy Specialist, Office of Program Development, FinCEN, (703) 905-3602; Stephen R. Kroll, Chief Counsel, FinCEN, and Cynthia L. Clark, Deputy Chief Counsel, Office of Chief Counsel, FinCEN, (703) 905-3590.

**SUPPLEMENTARY INFORMATION:****I. Background.**

FinCEN Issuance 98-1, 63 FR 3640 (January 26, 1998), contains two "conditional exceptions" to the strict operation of 31 CFR 103.33(g) (the "Travel Rule"). The Travel Rule requires a financial institution to include certain information in transmittal orders relating to transmittals of funds of \$3,000 or more. The first (the "CIF Exception") of the two conditional exceptions addressed computer programming problems in the banking and securities industries; it relaxed a requirement that a customer's true name and street address be included in a funds transmittal order, so long as alternate steps, described in the issuance and designed to prevent avoidance of the Travel Rule, were satisfied. By its terms, that exception to the Travel Rule was to expire on May 31, 1999, for transmittals of funds initiated after that date. However, the rationale for the CIF Exception remains valid, and Treasury wishes to avoid any change in Travel Rule requirements that might entail changes in the computer programming of financial institutions at this time.

**II. FinCEN Issuance 99-1**

By virtue of the authority contained in 31 CFR 103.45 (a) and (b), which has been delegated to the Director of FinCEN, the effective period of the CIF Exception, as such Exception is set forth (as part of FinCEN Issuance 98-1, 63 FR 3640 (January 26, 1998) under the heading "Grant of Exceptions" (63 FR 3641) is extended so that the CIF Exception will expire, on May 31, 2001, for transmittals of funds initiated after that date, if not revoked or modified with respect to such expiration date prior to that time.

Signed this 28th day of May, 1999.

James F. Sloan,

Director, Financial Crimes Enforcement Network

[FR Doc 99-19259 Filed 7-28-99; 8:45 am]

**BILLING CODE** 4820-03-P

**FEDERAL MARITIME COMMISSION****46 CFR Part 530**

[Docket No. 99-12]

**Termination of Dial-Up Service Contract Filing System**

**AGENCY:** Federal Maritime Commission

**ACTION:** Final rule.

**SUMMARY:** This final rule implements the Federal Maritime Commission's full transition to the internet-based service

contract filing system and removes all references to the dial-up filing system.

**DATES:** Effective date October 1, 1999.

**FOR FURTHER INFORMATION CONTACT:**

Austin L. Schmitt, Director, Bureau of Tariffs, Certification and Licensing, Federal Maritime Commission, 800 North Capitol Street, NW, Washington, DC 20573-0001, (202) 523-5796

Thomas Panebianco, General Counsel, Federal Maritime Commission, 800 North Capitol Street, NW, Washington, DC 20573-0001, (202) 523-5740

**SUPPLEMENTARY INFORMATION:** In Do&et No. 98-30, Service Contracts Subject to the Shipping Act of 1984, the Federal Maritime Commission ("FMC" or "Commission") implemented new rules governing the filing of service contracts to reflect changes made to the Shipping Act of 1984, 46 U.S.C. app. sec. 1701 et seq., by the Ocean Shipping Reform Act of 1998, Pub. L. 105-258, 112 Stat. 1902. In that rulemaking, the Commission adopted an internet-based service contract filing system effective May 1, 1999. The Commission also retained its dial-up system for service contract filing for a limited time to allow for a smooth transition to the internet-based system.

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Interactive internet filing of service contracts with the Commission will be provided, and while the dial-up system will be available, the Commission expects to phase it out as soon as possible, but certainly no later than the end of Fiscal Year 1999.

64 FR 11186, 11195. Accordingly, the purpose of this final rule is to implement the anticipated requirement that all service contracts be filed through the Commission's internet-based service contract filing system no later than October 1, 1999. The dial-up system will be shut down and no service contract filings will be accepted in the dial-up system after September 30, 1999. Users who currently use the dial-up system for filing service contracts must, on a timely basis, submit an amendment to their Form FMC-83 (Registration) to obtain the new log-on IDs and passwords necessary to file in the internet system.

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(March 8, 1999); and Final Rule, 64 FR 23782 (May 4, 1999).

In accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., the Chairman of the Federal Maritime Commission has certified to the Chief Counsel for Advocacy, Small Business Administration, that the rule will not have a significant impact on a substantial number of small entities. The affected universe of the parties is limited to vessel-operating common carriers. The Commission has determined that these entities do not come under the program's and policies mandated by the Small Business Regulatory Enforcement Fairness Act as they typically exceed the threshold figures for number of employees and/or annual receipts to qualify as a small entity under Small Business Administration guidelines.

This regulatory action is not a "major rule" under 5 U.S.C. 804(2).

#### List of Subjects for 46 CFR part 530

Freight, Maritime carriers, Reporting and recordkeeping requirements.

Accordingly, the FMC amends 46 CFR part 530 as follows:-

#### PART 530—SERVICE CONTRACTS

1. The authority citation for part 530 continues to read as follows:

Authority: 5 U.S.C. App. 1704, 1705, 1707, 1716

2. Amend § 530.3 to revise paragraph (k) as follows:

##### § 530.3 Definitions.

(k) *File or filing* (of service contracts or amendments thereto) means the use of the Commission's electronic filing system for receipt of a service contract or an amendment thereto by the Commission, consistent with the method set forth in Appendix A of this part, and the recording of its receipt by the Commission.

3. Amend § 530.5 to revise paragraph (c)(1) and remove paragraphs (c)(3), (c)(4) and (c)(5) to read as follows:

##### § 530.5 Duty to file.

(c) *Registration.* (1) *Application* Authority to file or delegate the authority to file must be requested by a responsible official of the service contract carrier in writing by submitting to the Commission the Registration Form (FMC-83) in Exhibit 1 to this part.

4. Amend § 530.8 to revise paragraphs (a) and (c) to read as follows:

##### § 530.8 Service contracts. \*

(a) Authorized persons shall file with BTCL, in the manner set forth in Appendix A of this part, a true and complete copy of every service contract or amendment to a filed service contract before any cargo moves pursuant to that service contract or amendment.

(c) *Certainty of terms.* The terms described in paragraph (b) of this section may not:

(1) Be uncertain, vague or ambiguous; or

(2) Make reference to terms not explicitly contained in the service contract itself unless those terms are contained in a publication widely available to the public and well known within the industry.

##### § 530.11 [Removed and Reserved]

5. Remove and reserve § 530.11.

6. Revise Appendix A to part 530 to read as follows:

#### Appendix A to Part 530—Instructions for the Filing of Service Contracts

Service contracts shall be filed in accordance with the Instructions found on the Commission's home page, <http://www.fmc.gov>

##### A Registration, Log-on ID and Password

To register for filing, a carrier, conference, agreement or publisher must submit the Service Contract Registration Form (Form FMC-83) to BTCL. A separate Service Contract Registration Form is required for each individual that will file service contracts. BTCL will direct OIRM to provide approved filers with a log-on ID and password. Filers who wish a third party (publisher) to file their service contracts must so indicate on Form FMC-83. Authority for organizational filing can be transferred by submitting an amended registration form requesting the assignment of a new log-on ID and password. The original log-on ID will be canceled when a replacement log-on ID is issued. Log-on IDs and passwords may not be shared with, loaned to or used by any individual other than the individual registrant. The Commission reserves the right to disable any log-on ID that is shared with, loaned to or used by parties other than the registrant.

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of which will be included in the acknowledgment/confirmation message.

By the Commission

Bryant L. VanBrakle,

Secretary

(FR Doc. 99-19325 Filed 7-28-99; 8:45 am)

BILLING CODE 6730-61-P

#### ENVIRONMENTAL PROTECTION AGENCY

##### 48 CFR Part 1509

[FRL-6409-6]

#### Acquisition Regulation: Contractor Performance Evaluations

AGENCY: Environmental Protection Agency

ACTION: Final rule; technical amendment.

**SUMMARY:** The Environmental Protection Agency is revising its EPA Acquisition Regulation (48 CFR Chapter 15) concerning contractor performance evaluations to clarify that contractor performance evaluations will be completed after each 12 month period from the effective date of contract. The final rule dated April 26, 1999 (64 FR 20201) indicated that contractor performance evaluations will be completed each 12 months after contract award. Because an EPA contract award date may commence prior to the contract effective date, EPA's regulation will be technically amended to reflect that contractor performance evaluations will be completed each 12 months after the effective date of contract.

**DATES:** This amendment was effective as of May 26, 1999.

#### FOR FURTHER INFORMATION CONTACT:

Frances Smith, U.S. Environmental Protection Agency, Office of Acquisition Management, (3802R), 401 M Street, SW, Washington, D.C. 20460, Telephone: (202) 564-4368.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

The final rule for contractor performance evaluations was published in the **Federal Register** on April 26, 1999 (64 FR 20201). The final rule indicated that contractor performance evaluations will be completed each 12 months after contract award. EPA contracts often have a contract award date and a contract effective date which may or may not be the same date. As such, this technical amendment provides a revision to the EPA Acquisition Regulation to clarify that contractor performance evaluations will be completed each 12 months after the